



General Assembly

February Session, 2008

Amendment

LCO No. 4320

SB0033304320SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. MCKINNEY, 28th Dist.

SEN. FREEDMAN, 26th Dist.
SEN. FASANO, 34th Dist.
REP. CAFERO, 142nd Dist.
REP. HETHERINGTON, 125th Dist.

To: Subst. Senate Bill No. 333

File No. 419

Cal. No. 258

"AN ACT CONCERNING COMPREHENSIVE ETHICS REFORMS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 3,
4 inclusive, of this act:

5 (1) "Public official" means public official, as defined in section 1-79
6 of the 2008 supplement to the general statutes, a judge of any court
7 either elected or appointed, and any elected or appointed municipal
8 official;

9 (2) "State or municipal employee" means state employee, as defined
10 in section 5-154 of the general statutes, and includes an employee of
11 any quasi-public agency, as defined in section 1-120 of the general
12 statutes, or any person, whether appointed or under contract, who

13 provides services for a city, town or other political subdivision of the
14 state for which a pension is provided; and

15 (3) "Crime related to state or municipal office" means any of the
16 following criminal offenses committed by a person while serving as a
17 public official or state or municipal employee:

18 (A) The committing, aiding or abetting of an embezzlement of
19 public funds from the state, a municipality or a quasi-public agency;

20 (B) The committing, aiding or abetting of any felonious theft from
21 the state, a municipality or a quasi-public agency;

22 (C) Bribery in connection with service as a public official or state or
23 municipal employee; or

24 (D) The committing of any felony by such person who, wilfully and
25 with the intent to defraud, realizes or obtains, or attempts to realize or
26 obtain, a profit, gain or advantage for himself or herself or for some
27 other person, through the use or attempted use of the power, rights,
28 privileges or duties of his or her position as a public official or state or
29 municipal employee.

30 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any
31 provision of the general statutes, on or after the effective date of this
32 section, if any person is convicted of or pleads guilty or nolo
33 contendere to any crime related to state or municipal office in state
34 criminal or federal criminal court, the Attorney General shall apply to
35 the Superior Court for an order to revoke or reduce the pension of any
36 kind to which such person is otherwise entitled under the general
37 statutes for service as a public official or state or municipal employee.

38 (b) If any public official or state or municipal employee is convicted
39 of or pleads guilty or nolo contendere to any crime related to state or
40 municipal office, in either federal criminal or state criminal court, the
41 value of any reduction or revocation ordered by the Superior Court
42 pursuant to subsection (c) shall not exceed the amount necessary to

43 satisfy any fine, restitution or other monetary order made by the
44 criminal court in addition to the amount necessary to pay the cost of
45 such public official or state or municipal employee's incarceration, as
46 determined pursuant to section 18-85a of the general statutes unless
47 the court determines that the severity of the crime, the amount of
48 monetary loss suffered by the state, municipality or quasi-public
49 agency or the nature of the fraudulent scheme against the state,
50 municipality or quasi-public agency or any combination of such factors
51 is such that the public interest requires that the amount of the
52 reduction be greater than such amount or that the pension be revoked
53 in full.

54 (c) In determining whether the pension shall be revoked or reduced,
55 the Superior Court shall consider and make findings on the following
56 factors:

57 (1) The severity of the crime related to state or municipal office for
58 which the person has been convicted or to which the person has pled
59 guilty or nolo contendere;

60 (2) The amount of monetary loss suffered by the state, a
61 municipality or a quasi-public agency or by any other person as a
62 result of the crime related to state or municipal office;

63 (3) The degree of public trust reposed in the person by virtue of the
64 person's position as a public official or state or municipal employee;

65 (4) If the crime related to state or municipal office was part of a
66 fraudulent scheme against the state or a municipality, the role of the
67 person in the fraudulent scheme against the state or a municipality;
68 and

69 (5) Any such other factors as, in the judgment of the Superior Court,
70 justice may require.

71 (d) If the court determines, or the Attorney General certifies, that a
72 public official or state or municipal employee, who was convicted of or

73 pled guilty or nolo contendere to a crime related to state or municipal
74 office, voluntarily provided information to the Attorney General, the
75 Auditors of Public Accounts or any state, federal or local law
76 enforcement official concerning the commission of such crime related
77 to state or municipal office by another public official or state or
78 municipal employee who had a greater degree of culpability for such
79 crime than the public official or state or municipal employee providing
80 such information, the court shall not reduce or revoke the pension of
81 such public official or state or municipal employee, provided such
82 public official or state or municipal employee voluntarily provided
83 such information prior to learning of a criminal investigation into such
84 crime related to state or municipal office.

85 (e) If the Superior Court determines that the pension of a person
86 should be reduced, it may, after taking into consideration the financial
87 needs and resources of any innocent spouse, dependents and
88 designated beneficiaries of the person, order that some or all of the
89 reduced pension be paid to any such innocent spouse, dependent or
90 beneficiary as justice may require.

91 (f) If the Superior Court determines that the pension of such person
92 should not be revoked or reduced, it shall order that the retirement or
93 other benefit or payment be made to such person.

94 (g) In all criminal proceedings in state or federal court in which the
95 defendant is a public official or a state or municipal employee who is
96 charged with a crime related to state or municipal office, the Attorney
97 General shall notify the prosecutor of the existence of the pension
98 revocation statute and the possibility that any fine, restitution or other
99 monetary order made by the court may be paid from such official's or
100 employee's pension.

101 (h) If any provision, clause or phrase of this section or of any order
102 or any action of the Attorney General hereunder is adjudged by any
103 court of competent jurisdiction to be invalid, or if the applicability
104 thereof to any person or circumstance is held invalid, such judgment

105 shall not invalidate the remainder of this section or such order or
106 action, and the applicability thereof to other persons and
107 circumstances shall not be affected thereby.

108 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose pension
109 is revoked pursuant to section 2 of this act shall be entitled to a return
110 of his or her contribution paid into the relevant pension fund, without
111 interest.

112 (b) Notwithstanding the provisions of subsection (a) of this section,
113 no payments in return of contributions shall be made or ordered
114 unless and until the Superior Court determines that the person whose
115 pension has been revoked pursuant to section 2 of this act has satisfied
116 in full any judgments or orders rendered by any court of competent
117 jurisdiction for the payment of restitution to the state or a municipality
118 for losses incurred as a result of the crime related to state or municipal
119 office. If the Superior Court determines that the person whose pension
120 has been revoked under section 2 of this act has failed to satisfy any
121 outstanding judgment or order of restitution rendered by any court of
122 competent jurisdiction, it may order that any funds otherwise due to
123 such person as a return of contribution, or any portion thereof, be paid
124 in satisfaction of the judgment or order.

125 (c) No provision of section 2 of this act or this section shall be
126 construed to prohibit or limit any payment made pursuant to a
127 qualified domestic relations order issued prior to any such conviction
128 or plea by: (1) Any public official or state or municipal employee who
129 is convicted of or pleads guilty or nolo contendere to any crime related
130 to state or municipal office; or (2) any state or municipal agency
131 responsible for the administration of such payment on behalf of such
132 public official or state or municipal employee.

133 (d) Notwithstanding the provisions of section 2 of this act, no
134 pension shall be reduced or revoked if the Internal Revenue Service
135 determines that such reduction or revocation will negatively affect or
136 invalidate the status of the state's government retirement plans or a

137 municipality's government retirement plans under Section 401(a) of
138 the Internal Revenue Code of 1986, or any subsequent corresponding
139 internal revenue code of the United States, as from time to time
140 amended.

141 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) A public servant, as
142 defined in section 53a-146 of the general statutes, as amended by this
143 act, is guilty of failure to report bribery when the public servant: (1)
144 Knows that (A) another person has attempted to bribe such public
145 servant, as defined in section 53a-147 of the general statutes, or (B)
146 such public servant has witnessed either (i) a person attempting to
147 bribe another public servant, as defined in section 53a-147 of the
148 general statutes, or (ii) another public servant commit the crime of
149 bribe receiving, as defined in section 53a-148 of the general statutes;
150 and (2) does not, as soon as reasonably practicable, report such crime
151 to a law enforcement agency.

152 (b) Failure to report bribery is a class A misdemeanor.

153 Sec. 5. Section 53a-146 of the general statutes is repealed and the
154 following is substituted in lieu thereof (*Effective October 1, 2008*):

155 For purposes of this part:

156 (1) An "official proceeding" is any proceeding held or which may be
157 held before any legislative, judicial, administrative or other agency or
158 official authorized to take evidence under oath, including any referee,
159 hearing examiner, commissioner or notary or other person taking
160 evidence in connection with any proceeding.

161 (2) "Benefit" means monetary advantage, or anything regarded by
162 the beneficiary as a monetary advantage, including benefit to any
163 person or entity in whose welfare the beneficiary is interested.

164 (3) "Public servant" is an officer or employee of government or a
165 quasi-public agency, as defined in section 1-120, elected or appointed,
166 and any person participating as advisor, consultant or otherwise, paid

167 or unpaid, in performing a governmental function.

168 (4) "Government" includes any branch, subdivision or agency of the
169 state or any locality within it.

170 (5) "Labor official" means any duly appointed or elected
171 representative of a labor organization or any duly appointed or elected
172 trustee or representative of an employee welfare trust fund.

173 (6) "Witness" is any person summoned, or who may be summoned,
174 to give testimony in an official proceeding.

175 (7) "Juror" is any person who has been drawn or summoned to serve
176 or act as a juror in any court.

177 (8) "Physical evidence" means any article, object, document, record
178 or other thing of physical substance which is or is about to be
179 produced or used as evidence in an official proceeding.

180 (9) "Person selected to be a public servant" means any person who
181 has been nominated or appointed to be a public servant.

182 Sec. 6. (NEW) (*Effective from passage*) Not later than December 31,
183 2010, the Office of State Ethics shall establish and administer a
184 program of mandatory training on the code of ethics for public officials
185 as set forth in chapter 10 of the general statutes. Such program shall
186 provide such training to members of the General Assembly upon first
187 election to the General Assembly, and for all members of the General
188 Assembly every four years beginning in 2011, except that, in the event
189 there is a significant revision of the code of ethics for public officials, as
190 determined by the Joint Committee on Legislative Management, said
191 committee shall request that the Office of State Ethics conduct a
192 training for all members of the General Assembly before the date of the
193 next regularly scheduled training.

194 Sec. 7. Subsection (k) of section 1-79 of the 2008 supplement to the
195 general statutes is repealed and the following is substituted in lieu
196 thereof (*Effective July 1, 2008*):

197 (k) "Public official" means any state-wide elected officer, any
198 member or member-elect of the General Assembly, any person
199 appointed to any office of the legislative, judicial or executive branch
200 of state government by the Governor or an appointee of the Governor,
201 with or without the advice and consent of the General Assembly, any
202 public member or representative of the teachers' unions or state
203 employees' unions appointed to the Investment Advisory Council
204 pursuant to subsection (a) of section 3-13b, any person appointed or
205 elected by the General Assembly or by any member of either house
206 thereof, [and] any member or director of a quasi-public agency and the
207 spouse of the Governor, but shall not include a member of an advisory
208 board, a judge of any court either elected or appointed or a senator or
209 representative in Congress.

210 Sec. 8. Section 1-225 of the 2008 supplement to the general statutes is
211 repealed and the following is substituted in lieu thereof (*Effective July*
212 *1, 2008*):

213 (a) The meetings of all public agencies, except executive sessions, as
214 defined in subdivision (6) of section 1-200, shall be open to the public.
215 The votes of each member of any such public agency upon any issue
216 before such public agency shall be reduced to writing and made
217 available for public inspection within forty-eight hours and shall also
218 be recorded in the minutes of the session at which taken. [, which]
219 Within seven days of the session to which such minutes refer, such
220 minutes shall be available for public inspection [within seven days of
221 the session to which they refer] and posted on such public agency's
222 Internet web site, if available.

223 (b) Each such public agency of the state shall file not later than
224 January thirty-first of each year in the office of the Secretary of the
225 State the schedule of the regular meetings of such public agency for the
226 ensuing year and shall post such schedule on such public agency's
227 Internet web site, if available, except that such [provision]
228 requirements shall not apply to the General Assembly, either house
229 thereof or to any committee thereof. Any other provision of the

230 Freedom of Information Act notwithstanding, the General Assembly at
231 the commencement of each regular session in the odd-numbered years,
232 shall adopt, as part of its joint rules, rules to provide notice to the
233 public of its regular, special, emergency or interim committee
234 meetings. The chairperson or secretary of any such public agency of
235 any political subdivision of the state shall file, not later than January
236 thirty-first of each year, with the clerk of such subdivision the schedule
237 of regular meetings of such public agency for the ensuing year, and no
238 such meeting of any such public agency shall be held sooner than
239 thirty days after such schedule has been filed. The chief executive
240 officer of any multitown district or agency shall file, not later than
241 January thirty-first of each year, with the clerk of each municipal
242 member of such district or agency, the schedule of regular meetings of
243 such public agency for the ensuing year, and no such meeting of any
244 such public agency shall be held sooner than thirty days after such
245 schedule has been filed.

246 (c) The agenda of the regular meetings of every public agency,
247 except for the General Assembly, shall be available to the public and
248 shall be filed, not less than twenty-four hours before the meetings to
249 which they refer, (1) in such agency's regular office or place of
250 business, and (2) in the office of the Secretary of the State for any such
251 public agency of the state, in the office of the clerk of such subdivision
252 for any public agency of a political subdivision of the state or in the
253 office of the clerk of each municipal member of any multitown district
254 or agency. For any such public agency of the state, such agenda shall
255 be posted on the public agency's and the Secretary of the State's web
256 sites. Upon the affirmative vote of two-thirds of the members of a
257 public agency present and voting, any subsequent business not
258 included in such filed agendas may be considered and acted upon at
259 such meetings.

260 (d) Notice of each special meeting of every public agency, except for
261 the General Assembly, either house thereof or any committee thereof,
262 shall be posted not less than twenty-four hours before the meeting to
263 which such notice refers on the public agency's Internet web site, if

264 available, and given not less than twenty-four hours prior to the time
265 of such meeting by filing a notice of the time and place thereof in the
266 office of the Secretary of the State for any such public agency of the
267 state, in the office of the clerk of such subdivision for any public
268 agency of a political subdivision of the state and in the office of the
269 clerk of each municipal member for any multitown district or agency.
270 The secretary or clerk shall cause any notice received under this section
271 to be posted in his office. Such notice shall be given not less than
272 twenty-four hours prior to the time of the special meeting; provided, in
273 case of emergency, except for the General Assembly, either house
274 thereof or any committee thereof, any such special meeting may be
275 held without complying with the foregoing requirement for the filing
276 of notice but a copy of the minutes of every such emergency special
277 meeting adequately setting forth the nature of the emergency and the
278 proceedings occurring at such meeting shall be filed with the Secretary
279 of the State, the clerk of such political subdivision, or the clerk of each
280 municipal member of such multitown district or agency, as the case
281 may be, not later than seventy-two hours following the holding of such
282 meeting. The notice shall specify the time and place of the special
283 meeting and the business to be transacted. No other business shall be
284 considered at such meetings by such public agency. In addition, such
285 written notice shall be delivered to the usual place of abode of each
286 member of the public agency so that the same is received prior to such
287 special meeting. The requirement of delivery of such written notice
288 may be dispensed with as to any member who at or prior to the time
289 the meeting convenes files with the clerk or secretary of the public
290 agency a written waiver of delivery of such notice. Such waiver may be
291 given by telegram. The requirement of delivery of such written notice
292 may also be dispensed with as to any member who is actually present
293 at the meeting at the time it convenes. Nothing in this section shall be
294 construed to prohibit any agency from adopting more stringent notice
295 requirements.

296 (e) No member of the public shall be required, as a condition to
297 attendance at a meeting of any such body, to register the member's

298 name, or furnish other information, or complete a questionnaire or
299 otherwise fulfill any condition precedent to the member's attendance.

300 (f) A public agency may hold an executive session, as defined in
301 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
302 of the members of such body present and voting, taken at a public
303 meeting and stating the reasons for such executive session, as defined
304 in section 1-200.

305 (g) In determining the time within which or by when a notice,
306 agenda, record of votes or minutes of a special meeting or an
307 emergency special meeting are required to be filed under this section,
308 Saturdays, Sundays, legal holidays and any day on which the office of
309 the agency, the Secretary of the State or the clerk of the applicable
310 political subdivision or the clerk of each municipal member of any
311 multitown district or agency, as the case may be, is closed, shall be
312 excluded.

313 Sec. 9. Section 9-622 of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective July 1, 2008*):

315 The following persons shall be guilty of illegal practices and shall be
316 punished in accordance with the provisions of section 9-623:

317 (1) Any person who, directly or indirectly, individually or by
318 another person, gives or offers or promises to any person any money,
319 gift, advantage, preferment, entertainment, aid, emolument or other
320 valuable thing for the purpose of inducing or procuring any person to
321 sign a nominating, primary or referendum petition or to vote or refrain
322 from voting for or against any person or for or against any measure at
323 any election, caucus, convention, primary or referendum;

324 (2) Any person who, directly or indirectly, receives, accepts,
325 requests or solicits from any person, committee, association,
326 organization or corporation, any money, gift, advantage, preferment,
327 aid, emolument or other valuable thing for the purpose of inducing or
328 procuring any person to sign a nominating, primary or referendum

329 petition or to vote or refrain from voting for or against any person or
330 for or against any measure at any such election, caucus, primary or
331 referendum;

332 (3) Any person who, in consideration of any money, gift, advantage,
333 preferment, aid, emolument or other valuable thing paid, received,
334 accepted or promised to the person's advantage or any other person's
335 advantage, votes or refrains from voting for or against any person or
336 for or against any measure at any such election, caucus, primary or
337 referendum;

338 (4) Any person who solicits from any candidate any money, gift,
339 contribution, emolument or other valuable thing for the purpose of
340 using the same for the support, assistance, benefit or expenses of any
341 club, company or organization, or for the purpose of defraying the cost
342 or expenses of any political campaign, primary, referendum or
343 election;

344 (5) Any person who, directly or indirectly, pays, gives, contributes
345 or promises any money or other valuable thing to defray or towards
346 defraying the cost or expenses of any campaign, primary, referendum
347 or election to any person, committee, company, club, organization or
348 association, other than to a campaign treasurer, except that this
349 subdivision shall not apply to any expenses for postage, telegrams,
350 telephoning, stationery, express charges, traveling, meals, lodging or
351 photocopying incurred by any candidate for office or for nomination to
352 office, so far as may be permitted under the provisions of this chapter;

353 (6) Any person who, in order to secure or promote the person's own
354 nomination or election as a candidate, or that of any other person,
355 directly or indirectly, promises to appoint, or promises to secure or
356 assist in securing the appointment, nomination or election of any other
357 person to any public position, or to any position of honor, trust or
358 emolument; but any person may publicly announce the person's own
359 choice or purpose in relation to any appointment, nomination or
360 election in which the person may be called to take part, if the person is

361 nominated for or elected to such office;

362 (7) Any person who, directly or indirectly, individually or through
363 another person, makes a payment or promise of payment to a
364 campaign treasurer in a name other than the person's own, and any
365 campaign treasurer who knowingly receives a payment or promise of
366 payment, or enters or causes the same to be entered in the person's
367 accounts in any other name than that of the person by whom such
368 payment or promise of payment is made;

369 (8) Any person who knowingly and wilfully violates any provision
370 of this chapter;

371 (9) Any person who offers or receives a cash contribution in excess
372 of one hundred dollars to promote the success or defeat of any political
373 party, candidate or referendum question;

374 (10) Any person who solicits, makes or receives a contribution that
375 is otherwise prohibited by any provision of this chapter;

376 (11) Any department head or deputy department head of a state
377 department who solicits a contribution on behalf of, or for the benefit
378 of, any candidate for state, district or municipal office or any political
379 party;

380 (12) Any municipal employee who solicits a contribution on behalf
381 of, or for the benefit of, any candidate for state, district or municipal
382 office, any political committee or any political party, from (A) an
383 individual under the supervision of such employee, or (B) the spouse
384 or a dependent child of such individual; [or]

385 (13) Any person who makes a coordinated expenditure for a
386 candidate without the knowledge of said candidate. No candidate
387 shall be civilly or criminally liable with regard to any such coordinated
388 expenditure;

389 (14) Any chief of staff of a legislative caucus who solicits a
390 contribution on behalf of or for the benefit of any candidate for state,

- 391 district or municipal office from an employee of the legislative caucus;
- 392 (15) Any chief of staff for a state-wide elected official who solicits a
393 contribution on behalf of or for the benefit of any candidate for state,
394 district or municipal office from a member of such official's staff; or
- 395 (16) Any chief of staff for the Governor or Lieutenant Governor who
396 solicits a contribution on behalf of or for the benefit of any candidate
397 for state, district or municipal office from a member of the staff of the
398 Governor or Lieutenant Governor, or from any commissioner or
399 deputy commissioner of any state agency.
- 400 Sec. 10. Subsection (e) of section 1-79 of the 2008 supplement to the
401 general statutes is repealed and the following is substituted in lieu
402 thereof (*Effective July 1, 2008*):
- 403 (e) "Gift" means anything of value, which is directly and personally
404 received, unless consideration of equal or greater value is given in
405 return. "Gift" shall not include:
- 406 (1) A political contribution otherwise reported as required by law or
407 a donation or payment as described in subdivision (9) or (10) of
408 subsection (b) of section 9-601a;
- 409 (2) Services provided by persons volunteering their time, if
410 provided to aid or promote the success or defeat of any political party,
411 any candidate or candidates for public office or the position of
412 convention delegate or town committee member or any referendum
413 question;
- 414 (3) A commercially reasonable loan made on terms not more
415 favorable than loans made in the ordinary course of business;
- 416 (4) A gift received from (A) an individual's spouse, fiance or fiancée,
417 (B) the parent, brother or sister of such spouse or such individual, or
418 (C) the child of such individual or the spouse of such child;
- 419 (5) Goods or services (A) which are provided to a state agency or

420 quasi-public agency (i) for use on state or quasi-public agency
421 property, or (ii) that support an event, and (B) which facilitate state or
422 quasi-public agency action or functions. As used in this subdivision,
423 "state property" means (i) property owned by the state or a quasi-
424 public agency, or (ii) property leased to a state agency or quasi-public
425 agency;

426 (6) A certificate, plaque or other ceremonial award costing less than
427 one hundred dollars;

428 (7) A rebate, discount or promotional item available to the general
429 public;

430 (8) Printed or recorded informational material germane to state
431 action or functions;

432 (9) Food or beverage or both, costing less than fifty dollars in the
433 aggregate per recipient in a calendar year, and consumed on an
434 occasion or occasions at which the person paying, directly or
435 indirectly, for the food or beverage, or his representative, is in
436 attendance;

437 (10) Food or beverage or both, costing less than fifty dollars per
438 person and consumed at a publicly noticed legislative reception to
439 which all members of the General Assembly are invited and which is
440 hosted not more than once in any calendar year by a lobbyist or
441 business organization. For the purposes of such limit, (A) a reception
442 hosted by a lobbyist who is an individual shall be deemed to have also
443 been hosted by the business organization which he owns or is
444 employed by, and (B) a reception hosted by a business organization
445 shall be deemed to have also been hosted by all owners and employees
446 of the business organization who are lobbyists. In making the
447 calculation for the purposes of such fifty-dollar limit, the donor shall
448 divide the amount spent on food and beverage by the number of
449 persons whom the donor reasonably expects to attend the reception;

450 (11) Food or beverage or both, costing less than fifty dollars per

451 person and consumed at a publicly noticed reception to which all
452 members of the General Assembly from a region of the state are
453 invited and which is hosted not more than once in any calendar year
454 by a lobbyist or business organization. For the purposes of such limit,
455 (A) a reception hosted by a lobbyist who is an individual shall be
456 deemed to have also been hosted by the business organization which
457 he owns or is employed by, and (B) a reception hosted by a business
458 organization shall be deemed to have also been hosted by all owners
459 and employees of the business organization who are lobbyists. In
460 making the calculation for the purposes of such fifty-dollar limit, the
461 donor shall divide the amount spent on food and beverage by the
462 number of persons whom the donor reasonably expects to attend the
463 reception. As used in this subdivision, "region of the state" means the
464 established geographic service area of the organization hosting the
465 reception;

466 (12) A gift, including but not limited to, food or beverage or both,
467 provided by an individual for the celebration of a major life event,
468 provided any such gift provided by an individual who is not a
469 member of the family of the recipient shall not exceed one thousand
470 dollars in value;

471 (13) Gifts costing less than one hundred dollars in the aggregate or
472 food or beverage provided at a hospitality suite at a meeting or
473 conference of an interstate legislative association, by a person who is
474 not a registrant or is not doing business with the state of Connecticut;

475 (14) Admission to a charitable or civic event, including food and
476 beverage provided at such event, but excluding lodging or travel
477 expenses, at which a public official or state employee participates in
478 his official capacity, provided such admission is provided by the
479 primary sponsoring entity;

480 (15) Anything of value provided by an employer of (A) a public
481 official, (B) a state employee, or (C) a spouse of a public official or state
482 employee, to such official, employee or spouse, provided such benefits

483 are customarily and ordinarily provided to others in similar
484 circumstances;

485 (16) Anything having a value of not more than ten dollars, provided
486 the aggregate value of all things provided by a donor to a recipient
487 under this subdivision in any calendar year shall not exceed fifty
488 dollars; or

489 (17) Training that is provided by a vendor for a product purchased
490 by a state or quasi-public agency which is offered to all customers of
491 such vendor.

492 Sec. 11. Subsection (g) of section 1-91 of the 2008 supplement to the
493 general statutes is repealed and the following is substituted in lieu
494 thereof (*Effective July 1, 2008*):

495 (g) "Gift" means anything of value, which is directly and personally
496 received, unless consideration of equal or greater value is given in
497 return. "Gift" shall not include:

498 (1) A political contribution otherwise reported as required by law or
499 a donation or payment described in subdivision (9) or (10) of
500 subsection (b) of section 9-601a;

501 (2) Services provided by persons volunteering their time, if
502 provided to aid or promote the success or defeat of any political party,
503 any candidate or candidates for public office or the position of
504 convention delegate or town committee member or any referendum
505 question;

506 (3) A commercially reasonable loan made on terms not more
507 favorable than loans made in the ordinary course of business;

508 (4) A gift received from (A) the individual's spouse, fiance or
509 fiancée, (B) the parent, brother or sister of such spouse or such
510 individual, or (C) the child of such individual or the spouse of such
511 child;

512 (5) Goods or services (A) which are provided to a state agency or
513 quasi-public agency (i) for use on state or quasi-public agency
514 property, or (ii) that support an event, and (B) which facilitate state or
515 quasi-public agency action or functions. As used in this subdivision,
516 "state property" means (i) property owned by the state or a quasi-
517 public agency, or (ii) property leased to a state or quasi-public agency;

518 (6) A certificate, plaque or other ceremonial award costing less than
519 one hundred dollars;

520 (7) A rebate, discount or promotional item available to the general
521 public;

522 (8) Printed or recorded informational material germane to state
523 action or functions;

524 (9) Food or beverage or both, costing less than fifty dollars in the
525 aggregate per recipient in a calendar year, and consumed on an
526 occasion or occasions at which the person paying, directly or
527 indirectly, for the food or beverage, or his representative, is in
528 attendance;

529 (10) Food or beverage or both, costing less than fifty dollars per
530 person and consumed at a publicly noticed legislative reception to
531 which all members of the General Assembly are invited and which is
532 hosted not more than once in any calendar year by a lobbyist or
533 business organization. For the purposes of such limit, (A) a reception
534 hosted by a lobbyist who is an individual shall be deemed to have also
535 been hosted by the business organization which he owns or is
536 employed by, and (B) a reception hosted by a business organization
537 shall be deemed to have also been hosted by all owners and employees
538 of the business organization who are lobbyists. In making the
539 calculation for the purposes of such fifty-dollar limit, the donor shall
540 divide the amount spent on food and beverage by the number of
541 persons whom the donor reasonably expects to attend the reception;

542 (11) Food or beverage or both, costing less than fifty dollars per

543 person and consumed at a publicly noticed reception to which all
544 members of the General Assembly from a region of the state are
545 invited and which is hosted not more than once in any calendar year
546 by a lobbyist or business organization. For the purposes of such limit,
547 (A) a reception hosted by a lobbyist who is an individual shall be
548 deemed to have also been hosted by the business organization which
549 he owns or is employed by, and (B) a reception hosted by a business
550 organization shall be deemed to have also been hosted by all owners
551 and employees of the business organization who are lobbyists. In
552 making the calculation for the purposes of such fifty-dollar limit, the
553 donor shall divide the amount spent on food and beverage by the
554 number of persons whom the donor reasonably expects to attend the
555 reception. As used in this subdivision, "region of the state" means the
556 established geographic service area of the organization hosting the
557 reception;

558 (12) A gift, including, but not limited to, food or beverage or both,
559 provided by an individual for the celebration of a major life event,
560 provided any such gift provided by an individual who is not a
561 member of the family of the recipient shall not exceed one thousand
562 dollars in value;

563 (13) Gifts costing less than one hundred dollars in the aggregate or
564 food or beverage provided at a hospitality suite at a meeting or
565 conference of an interstate legislative association, by a person who is
566 not a registrant or is not doing business with the state of Connecticut;

567 (14) Admission to a charitable or civic event, including food and
568 beverage provided at such event, but excluding lodging or travel
569 expenses, at which a public official or state employee participates in
570 his official capacity, provided such admission is provided by the
571 primary sponsoring entity;

572 (15) Anything of value provided by an employer of (A) a public
573 official, (B) a state employee, or (C) a spouse of a public official or state
574 employee, to such official, employee or spouse, provided such benefits

575 are customarily and ordinarily provided to others in similar
576 circumstances;

577 (16) Anything having a value of not more than ten dollars, provided
578 the aggregate value of all things provided by a donor to a recipient
579 under this subdivision in any calendar year shall not exceed fifty
580 dollars; or

581 (17) Training that is provided by a vendor for a product purchased
582 by a state or quasi-public agency which is offered to all customers of
583 such vendor.

584 Sec. 12. Subsection (f) of section 1-84b of the general statutes is
585 repealed and the following is substituted in lieu thereof (*Effective July*
586 *1, 2008*):

587 (f) No former public official or state employee (1) who participated
588 substantially in the negotiation or award of (A) a state contract valued
589 at an amount of fifty thousand dollars or more, or (B) a written
590 agreement for the approval of a payroll deduction slot described in
591 section 3-123g, or (2) who supervised the negotiation or award of such
592 a contract or agreement, shall accept employment with a party to the
593 contract or agreement other than the state for a period of one year after
594 his resignation from his state office or position if his resignation occurs
595 less than one year after the contract or agreement is signed. No party
596 to such a contract or agreement other than the state shall employ any
597 such former public official or state employee in violation of this
598 subsection.

599 Sec. 13. Subsections (a) and (b) of section 1-82 of the general statutes
600 are repealed and the following is substituted in lieu thereof (*Effective*
601 *from passage*):

602 (a) (1) Upon the complaint of any person on a form prescribed by
603 the board, signed under penalty of false statement, or upon its own
604 complaint, the ethics enforcement officer of the Office of State Ethics
605 shall investigate any alleged violation of this part or section 1-101nn of

606 the 2008 supplement to the general statutes. Not later than five days
607 after the receipt or issuance of such complaint, the board shall provide
608 notice of such receipt or issuance and a copy of the complaint by
609 registered or certified mail to any respondent against whom such
610 complaint is filed and shall provide notice of the receipt of such
611 complaint to the complainant. When the ethics enforcement officer of
612 the Office of State Ethics undertakes an evaluation of a possible
613 violation of this part or section 1-101nn of the 2008 supplement to the
614 general statutes prior to the filing of a complaint, the subject of the
615 evaluation shall be notified not later than five business days after an
616 Office of State Ethics staff member's first contact with a third party
617 concerning the matter.

618 (2) In the conduct of its investigation of an alleged violation of this
619 part or section 1-101nn of the 2008 supplement to the general statutes,
620 the Office of State Ethics shall have the power to hold hearings,
621 administer oaths, examine witnesses [,] and receive oral and
622 documentary evidence. [,] The Office of State Ethics may subpoena
623 witnesses under procedural rules adopted by the Citizen's Ethics
624 Advisory Board as regulations in accordance with the provisions of
625 chapter 54 to compel attendance before the Office of State Ethics and to
626 require the production for examination by the ethics enforcement
627 officer of the Office of State Ethics of any books and papers which the
628 Office of State Ethics deems relevant in any matter under investigation
629 or in question, provided any such subpoena is issued either pursuant
630 to a majority vote of the Citizen's Ethics Advisory Board or pursuant to
631 the signature of the chairperson of such board. The vice-chairperson of
632 such board may sign any such subpoena if the chairperson of such
633 board is unavailable. In the exercise of such powers, the Office of State
634 Ethics may use the services of the state police, who shall provide the
635 same upon the office's request. The Office of State Ethics shall make a
636 record of all proceedings conducted pursuant to this subsection. The
637 ethics enforcement officer of the Office of State Ethics may bring any
638 alleged violation of this part before a judge trial referee assigned by the
639 Chief Court Administrator for such purpose for a probable cause

640 hearing. Such judge trial referee shall be compensated in accordance
641 with the provisions of section 52-434 from such funds as may be
642 available to the Office of State Ethics. Any witness summoned before
643 the Office of State Ethics or a judge trial referee pursuant to this
644 subsection shall receive the witness fee paid to witnesses in the courts
645 of this state. During any investigation conducted pursuant to this
646 subsection or any probable cause hearing conducted pursuant to this
647 subsection, the respondent shall have the right to appear and be heard
648 and to offer any information which may tend to clear the respondent
649 of probable cause to believe the respondent has violated any provision
650 of this part or section 1-101nn of the 2008 supplement to the general
651 statutes. The respondent shall also have the right to be represented by
652 legal counsel and to examine and cross-examine witnesses. Not later
653 than ten days prior to the commencement of any hearing conducted
654 pursuant to this subsection, the Office of State Ethics shall provide the
655 respondent with a list of its intended witnesses. Any finding of
656 probable cause to believe the respondent is in violation of any
657 provisions of this part shall be made by a judge trial referee not later
658 than thirty days after the ethics enforcement officer brings such alleged
659 violation before such judge trial referee, except that such thirty-day
660 limitation period shall not apply if the judge trial referee determines
661 that good cause exists for extending such limitation period.

662 (b) If a judge trial referee determines that probable cause exists for
663 the violation of a provision of this part or section 1-101nn of the 2008
664 supplement to the general statutes, the board shall initiate hearings to
665 determine whether there has been a violation of this part or section 1-
666 101nn of the 2008 supplement to the general statutes. Any such
667 hearing shall be initiated by the board not later than thirty days after
668 the finding of probable cause by a judge trial referee and shall be
669 concluded not later than ninety days after its initiation, except that
670 such thirty or ninety-day limitation period shall not apply if the judge
671 trial referee determines that good cause exists for extending such
672 limitation period. A judge trial referee, who has not taken part in the
673 probable cause determination on the matter shall be assigned by the

674 Chief Court Administrator and shall be compensated in accordance
675 with section 52-434 out of funds available to the Office of State Ethics
676 and shall preside over such hearing and rule on all issues concerning
677 the application of the rules of evidence, which shall be the same as in
678 judicial proceedings. The trial referee shall have no vote in any
679 decision of the board. All hearings of the board held pursuant to this
680 subsection shall be open. At such hearing the board shall have the
681 same powers as the Office of State Ethics under subsection (a) of this
682 section and the respondent shall have the right to be represented by
683 legal counsel, the right to compel attendance of witnesses and the
684 production of books, documents, records and papers and to examine
685 and cross-examine witnesses. Not later than ten days prior to the
686 commencement of any hearing conducted pursuant to this subsection,
687 the Office of State Ethics shall provide the respondent with a list of its
688 intended witnesses. The judge trial referee shall, while engaged in the
689 discharge of the duties as provided in this subsection, have the same
690 authority as is provided in section 51-35 over witnesses who refuse to
691 obey a subpoena or to testify with respect to any matter upon which
692 such witness may be lawfully interrogated, and may commit any such
693 witness for contempt for a period no longer than thirty days. The
694 Office of State Ethics shall make a record of all proceedings pursuant
695 to this subsection. During the course of any such hearing, no ex-parte
696 communication shall occur between the board, or any of its members,
697 and: (1) The judge trial referee, or (2) any staff member of the
698 Enforcement Division of the Office of State Ethics, concerning the
699 complaint or the respondent. The board shall find no person in
700 violation of any provision of this part or section 1-101nn of the 2008
701 supplement to the general statutes except upon the concurring vote of
702 six of its members present and voting. No member of the board shall
703 vote on the question of whether a violation of any provision of this
704 part has occurred unless such member was physically present for the
705 duration of any hearing held pursuant to this subsection. Not later
706 than fifteen days after the public hearing conducted in accordance with
707 this subsection, the board shall publish its finding and a memorandum
708 of the reasons therefor. Such finding and memorandum shall be

709 deemed to be the final decision of the board on the matter for the
710 purposes of chapter 54. The respondent, if aggrieved by the finding
711 and memorandum, may appeal therefrom to the Superior Court in
712 accordance with the provisions of section 4-183.

713 Sec. 14. Subsections (a) and (b) of section 1-93 of the general statutes
714 are repealed and the following is substituted in lieu thereof (*Effective*
715 *from passage*):

716 (a) (1) Upon the complaint of any person on a form prescribed by
717 the Office of State Ethics, signed under penalty of false statement, or
718 upon its own complaint, the ethics enforcement officer of the Office of
719 State Ethics shall investigate any alleged violation of this part. Not
720 later than five days after the receipt or issuance of such complaint, the
721 Office of State Ethics shall provide notice of such receipt or issuance
722 and a copy of the complaint by registered or certified mail to any
723 respondent against whom such complaint is filed and shall provide
724 notice of the receipt of such complaint to the complainant. When the
725 Office of State Ethics undertakes an evaluation of a possible violation
726 of this part prior to the filing of a complaint, the subject of the
727 evaluation shall be notified not later than five business days after a
728 staff member of the Office of State Ethics undertakes the first contact
729 with a third party concerning the matter.

730 (2) In the conduct of its investigation of an alleged violation of this
731 part, the Office of State Ethics shall have the power to hold hearings,
732 administer oaths, examine witnesses [] and receive oral and
733 documentary evidence. [] The Office of State Ethics may subpoena
734 witnesses under procedural rules adopted by the Citizen's Ethics
735 Advisory Board as regulations in accordance with the provisions of
736 chapter 54 to compel attendance before the Office of State Ethics and to
737 require the production for examination by the ethics enforcement
738 officer of the Office of State Ethics of any books and papers which the
739 ethics enforcement officer of the Office of State Ethics deems relevant
740 in any matter under investigation or in question, provided any such
741 subpoena is issued either pursuant to a majority vote of the Citizen's

742 Ethics Advisory Board or pursuant to the signature of the chairperson
743 of such board. The vice-chairperson of such board may sign any such
744 subpoena if the chairperson of such board is unavailable. In the
745 exercise of such powers, the Office of State Ethics may use the services
746 of the state police, who shall provide the same upon the office's
747 request. The Office of State Ethics shall make a record of all
748 proceedings conducted pursuant to this subsection. Any witness
749 summoned before the Office of State Ethics or a judge trial referee
750 pursuant to this subsection shall receive the witness fee paid to
751 witnesses in the courts of this state. The ethics enforcement officer of
752 the Office of State Ethics may bring any alleged violation of this part
753 before a judge trial referee assigned by the Chief Court Administrator
754 for such purpose for a probable cause hearing. Such judge trial referee
755 shall be compensated in accordance with the provisions of section 52-
756 434 from such funds as may be available to the Office of State Ethics.
757 The respondent shall have the right to appear at any hearing held
758 pursuant to this subsection and be heard and to offer any information
759 which may tend to clear the respondent of probable cause to believe
760 the respondent has violated any provision of this part. The respondent
761 shall also have the right to be represented by legal counsel and to
762 examine and cross-examine witnesses. Not later than ten days prior to
763 the commencement of any hearing conducted pursuant to this
764 subsection, the Office of State Ethics shall provide the respondent with
765 a list of its intended witnesses. Any finding of probable cause to
766 believe the respondent is in violation of any provision of this part shall
767 be made by a judge trial referee not later than thirty days after the
768 ethics enforcement officer brings such alleged violation before such
769 judge trial referee, except that such thirty-day limitation period shall
770 not apply if the judge trial referee determines that good cause exists for
771 extending such limitation period.

772 (b) If a judge trial referee indicates that probable cause exists for the
773 violation of a provision of this part, the board shall initiate hearings to
774 determine whether there has been a violation of this part. Any such
775 hearing shall be initiated by the board not later than thirty days after

776 the finding of probable cause by a judge trial referee and shall be
777 concluded not later than ninety days after its initiation, except that
778 such thirty-day or ninety-day limitation period shall not apply if the
779 judge trial referee determines that good cause exists for extending such
780 limitation period. A judge trial referee, who has not taken part in the
781 probable cause determination on the matter shall be assigned by the
782 Chief Court Administrator and shall be compensated in accordance
783 with section 52-434 out of funds available to the board and shall
784 preside over such hearing and rule on all issues concerning the
785 application of the rules of evidence, which shall be the same as in
786 judicial proceedings. The trial referee shall have no vote in any
787 decision of the board. All hearings of the board held pursuant to this
788 subsection shall be open. At such hearing the board shall have the
789 same powers as the Office of State Ethics under subsection (a) of this
790 section and the respondent shall have the right to be represented by
791 legal counsel, the right to compel attendance of witnesses and the
792 production of books, documents, records and papers and to examine
793 and cross-examine witnesses. Not later than ten days prior to the
794 commencement of any hearing conducted pursuant to this subsection,
795 the Office of State Ethics shall provide the respondent with a list of its
796 intended witnesses. The judge trial referee shall, while engaged in the
797 discharge of the duties as provided in this subsection, have the same
798 authority as is provided in section 51-35 over witnesses who refuse to
799 obey a subpoena or to testify with respect to any matter upon which
800 such witness may be lawfully interrogated, and may commit any such
801 witness for contempt for a period no longer than thirty days. The
802 Office of State Ethics shall make a record of all proceedings pursuant
803 to this subsection. During the course of any such hearing, no ex-parte
804 communication shall occur between the board, or any of its members,
805 and: (1) The judge trial referee, or (2) any staff member of the
806 Enforcement Division of the Office of State Ethics, concerning the
807 complaint or the respondent. The board shall find no person in
808 violation of any provision of this part except upon the concurring vote
809 of [two-thirds] six of its members present and voting. No member of
810 the board shall vote on the question of whether a violation of any

811 provision of this part has occurred unless such member was physically
 812 present for the duration of any hearing held pursuant to this
 813 subsection. Not later than fifteen days after the public hearing
 814 conducted in accordance with this subsection, the board shall publish
 815 its finding and a memorandum of the reasons therefor. Such finding
 816 and memorandum shall be deemed to be the final decision of the
 817 board on the matter for the purposes of chapter 54. The respondent, if
 818 aggrieved by the finding and memorandum, may appeal therefrom to
 819 the Superior Court in accordance with the provisions of section 4-183."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	53a-146
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2008</i>	1-79(k)
Sec. 8	<i>July 1, 2008</i>	1-225
Sec. 9	<i>July 1, 2008</i>	9-622
Sec. 10	<i>July 1, 2008</i>	1-79(e)
Sec. 11	<i>July 1, 2008</i>	1-91(g)
Sec. 12	<i>July 1, 2008</i>	1-84b(f)
Sec. 13	<i>from passage</i>	1-82(a) and (b)
Sec. 14	<i>from passage</i>	1-93(a) and (b)